

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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BOCA PARK MARKETPLACE
SYNDICATIONS GROUP, LLC,

Plaintiff,

v.

ROSS DRESS FOR LESS, INC.,

Defendant.

Case No. 2:16-cv-01197-RFB-PAL

ORDER

(Emg Mot for Hrng – ECF No. 40)

Before the court is Plaintiff's Motion to Strike Defendant's Untimely and Unauthorized Denials of Requests for Admission (ECF No. 38), Defendant/Counter-Claimant's Motion to Withdraw Admissions Pursuant to Federal Rule of Civil Procedure 36(b) (ECF No. 39), and Defendant/Counter-Claimant Ross Dress for Less, Inc.'s Request for Emergency Relief Regarding its Motion to Withdraw Admissions Pursuant to Federal Rule of Civil Procedure 36(b) (ECF No. 39) (ECF No. 40).

The court has reviewed the Emergency Motion for Relief (ECF No. 40), Plaintiff's Response (ECF No. 42) and Errata (ECF No. 44). Expedited briefing and a hearing is requested because discovery closes February 28, 2017, and movant "seeks to ensure that if, as anticipated, Boca Park claims it will be prejudiced by Ross' delay in responding to the RFA's, then such prejudice, if any, will be minimized."


Having reviewed and considered the emergency motion, the court finds emergency relief and expedited briefing is not required. The emergency motion will therefore be denied. The court will set the other two motions for hearing after the briefing period expires on the next available court date and address, if necessary, extending the discovery cutoff and dispositive motion deadline based on the outcome of the motions on the merits at the hearing.

1 **IT IS ORDERED** that:

- 2 1. Defendant/Counter-Claimant's Emergency Motion (ECF No. 40) is **DENIED**.
- 3 2. The Motion to Strike (ECF No. 38) and Motion to Withdraw Admissions (ECF No. 39)
- 4 is set for hearing at **9:30 a.m., March 14, 2017**, in Courtroom 3B.

5 DATED this 3rd day of February, 2017.

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8 PEGGY A. LEEN
9 UNITED STATES MAGISTRATE JUDGE

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